## UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION

DOCKET NO. 3:18-cv-00121-FDW [BR Adversary Proceeding Case No. 17-03066]

Plaintiff, )	R. KEITH JOHNSON,	)
)	Plaintiff,	) ) )
vs.	vs.	)
) ORDE		) ORDER
JUSTICE HARRISON CAMPBELL, )	JUSTICE HARRISON CAMPBELL,	)
)		)
Defendant. )	Defendant.	)
)		)

THIS MATTER is before the Court sua sponte. R. Keith Johnson, as Trustee in the bankruptcy case and Plaintiff in the adversary proceeding, filed a "Dismissal with Prejudice" on July 5, 2018. (Doc. No. 13). The document was neither signed nor consented to by other counsel or parties who have appeared in this matter. On July 9, 2018, after docket call for the July calendar, the Clerk of Court through a Quality Control Notice informed Plaintiff that the "Dismissal with Prejudice" (Doc. No. 13) should have been a Stipulation of Dismissal. The parties also received electronic notification that the jury trial was reset for July 16, 2017. No stipulation of dismissal was filed, and neither party appeared for trial on July 16, 2017.

IT APPEARS that the parties' settlement has been approved and completed and Plaintiff has abandoned prosecution of this case. (Doc. No. 11). Therefore, the Court DISMISSES the case<sup>1</sup> and DIRECTS the Clerk of Court to close<sup>2</sup> the case. See Fed. R. Civ. P. 41(a)(2); Eriline Co., S.A. v. Johnson, 440 F.3d 648, 654 (4th Cir. 2006).

<sup>&</sup>lt;sup>1</sup> As Plaintiff filed a purported dismissal *with prejudice*, the Court finds dismissal with prejudice as to Plaintiff proper.

 $<sup>\</sup>underline{\underline{See}}$  Fed. R. Civ. P. 41(a)(2).

The closing of the case will not affect the parties' ability to file a stipulation of dismissal with prejudice pursuant to Federal Rule of Civil Procedure 41(a)(1)(ii).

The Deputy Clerk shall forward a copy of the instant Order to the U.S. Bankruptcy Court for the Western District of North Carolina, specifically the Honorable J. Craig Whitley, U.S. Bankruptcy Judge. The Deputy Clerk shall also serve by mail a copy of the instant Order on Defendant. The Court further requests the Clerk for the Bankruptcy Court file a copy of this Order in the case of Marolyn Teresa Collins (Case No. 16-31806) and the Adversary Proceeding for this case (Case No. 17-03066).

IT IS SO ORDERED.

Signed: July 18, 2018

Frank D. Whitney

Chief United States District Judge